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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/837,550

Applicant(s)

I'ANSON ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al.

Hall et al. teaches a method and apparatus for processing orders from customers in a mobile environment. Specifically, Hall et al. teaches the process starts when a mobile user places an order using a mobile customer premises equipment (MCPS) (column 8; lines 45-62). Examiner notes that placing an order corresponds to placing a shopping enquiry and thus Hall et al. teaches receiving a shopping enquiry from a remote enquirer.

Next, Hall et al. teaches querying a mobile location determining system (MLDS), which is associated with users MCPS in order to determine customer's location (column 8; lines 63-66). Clearly this represents obtaining geographic location of the enquiry.

Hall et al. then teaches determining a local facility using the customer's location information and information from the facilities database (column 9; lines 19-21). Hall et al. further teaches that preferably the local facility is the facility nearest geographically to the customer's location at the time of the order or a facility that is convenient to the customer's planned travel route, such as on the way home from work (column 9; lines 28-31). Examiner notes that by determining a local facility nearest to the customer or within the customer's route, the system is attributing a significance to the enquiry location through a database lookup (i.e. the facilities database) and carrying out a search to find an answer (i.e. place an order) to the

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shopping enquiry using this location significance to control the coverage (i.e. nearest location, with route) of the search.

Hall et al. teaches the system then notifies the customer (1) directly with the local facility's location and order cost or (2) indirectly via a personal agent system (PAS). Examiner notes this clearly represents directly or indirectly returning the search results to the enquirer.

Claim 2 requires that the enquiry-location significance is used to control the coverage of the search by being used to set one or more search parameters. Examiner notes that Hall et al. teaches locating a local facility based on proximity to consumer or within a travel route (column 9; lines 28-31).

Claims 3 and 10 require that the enquiry-location significance is an objective significance indicative of the functional purpose associated with the enquiry location. Once again Examiner points to Hall et al.'s teaching of the location being related to the customer's travel route and therefore indicative of the functional purpose associated with the enquiry location.

Claims 4 and 16 requires checking a database of traders and their locations. Hall et al. teaches a facilities database (column 8; lines 24-29).

Claims 5 and 11 require that the location is used to control the coverage search by trade premises, then shopping zone and finally with other search strategies. Examiner notes that the concept here is that the search criteria starts with the location closest to the user (i.e. trade premises) and then slowly expands out (shopping zone and beyond). Based on Hall et al.'s teaching of finding an "acceptable" nearest to the customer, Examiner notes that this limitation is inherent. For example, if a customer of Hall et al. is inside an "acceptable" location (within the store premises) the system will return an order for that location, as it is the one closest to the

user. If that store is not acceptable it will then look for the next closest store (i.e. within the shopping zone) and so on. This feature is clearly inherent to Hall et al.

Claim 6, 10 and 14 require that the enquiry-location significance is stored in a user profile database. Hall et al. teaches a customer database (column 8; lines 31-42).

Claim 7 requires that the enquiry location be an enquirer's normal locality, and the search coverage comprises domains frequently visited by the enquirer. Examiner once again notes Hall et al.'s teaching of a convenient location within the customer's route to and from work, this clearly represents an enquirer's normal locality. Further the Examiner also notes Hall et al.'s customer database which includes information regarding customer's usual orders (column 8; lines 33-34).

Claims 8 and 12 require domains frequently visited by the enquirer to include at least two of home, work, route taken between home and work and shopping zones. Examiner references Hall et al.'s teaching of the route between home and work (column 9; lines 27-31).

Claims 9 and 13 require the domains frequently visited to be shopping zones automatically determined from payment records. Hall et al. teaches that the system possesses some type of "intelligence" such as learning about the habits and preferences of the user and adapting accordingly (column 6; lines 58-60). As the system of Hall et al. maintains payment records from the user (column 9; lines 40-42) within the customer database it is inherent to the system that the type of "intelligence" would use these records to learn about the habits and preferences of the customer and thus alter the search based on this knowledge.

Claim 15 requires that a degree of immediacy be associated with the enquiry. Hall et al. teaches the system finds an acceptable facility. Acceptable is defined as convenient to the

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customer's location and able to satisfy the order within the customer's needed time frame (column 9; lines 43-47). Examiner notes that the requirement of "within the customer's needed time frame" inherently brings about it a degree of immediacy.

Claim 17 requires the availability of specified goods or services. Hall et al. teaches evaluating a whether a local facility has the necessary stock on hand to fill a customer's order (column 9; lines 34-38).

Claim 18 requires the enquiry to include a maximum price limit. Hall et al. teaches the system notifying the customer of an order and a cost (column 9; lines 52-55). The customer is then able to accept or reject the order based on this information. Examiner notes that the presentation of cost information represents the enquiry including a price limitation and specifically a maximum price limitation above which the customer will not accept the order.

Claim 19 and 20 require the use of a cellular mobile radio device, where the location is determined by requesting the location of the mobile radio device. Examiner once again references Hall et al.'s MCPE and MLDS and further that the MCPE may be implemented using a cellular phone (column 5; lines 40-55).

Claims 21 – 31 represent the apparatus for use with the method as described in claims 1-20. Examiner notes that as the Method has been fully rejected above and since the apparatus claims do not add any additional limitations, the system for performing the method is therefore also rejected.

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Conclusion

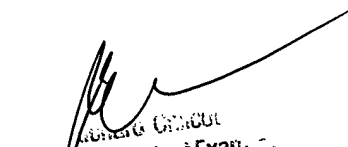
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

James A. Kramer
Examiner
Art Unit 3627

JAK


Richard Chilcot
Supervisory Patent Examiner
Technology Center 2650
